

TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2001-66, AS AMENDED
CONSOLIDATED BY-LAW

BEING A BY-LAW TO LICENSE DOGS, AND FOR REGULATING THE RUNNING AT LARGE OF DOGS WITHIN THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC.

WHEREAS Section 210, paragraphs 2, 3, 4, 8, 9, 11 and 13 of the Municipal Act, R.S.O. 1990, Chapter M. 45 authorized the Council of a local municipality to pass By-laws for the licensing and for requiring the registration of dogs and for imposing a license fee on the owners of such dogs, and for prohibiting or regulating the running at large of dogs in the municipality, and for seizing and impounding and for disposing, whether before or after impounding of dogs at large, and for selling dogs so impounded at such time and in such manner as is provided by the By-law.

NOW THEREFORE, The Council of the Corporation of the Township of South Frontenac enacts as follows:

SHORT TITLE

1. This by-law shall be known and may be cited as the “Dog Control By-law”:

DEFINITIONS

2.
 - a) “ANIMAL CONTROL OFFICER” shall mean that person(s) appointed by By-law of the municipality to undertake the control of dogs within the Township;
 - b) “CONTROL” shall mean having at all times, the ability to manage, direct, restrict and restrain the movements of a dog;
 - c) “DOG” shall mean any dog or dogs, male or female and includes any dog or dogs spayed or neutered;
 - d) “KENNEL” shall mean any premises where more than six dogs are lodged, bred, kept or boarded;
 - e) “MUNICIPALITY” shall mean the Corporation of the Township of South Frontenac;
 - f) “OWNER OF A DOG” includes any person, organization or corporation who owns, possesses, harbours or has the care and control of a dog and “owners” and “owned” shall have a corresponding meaning;
 - g) “PURE-BRED” shall mean registered or eligible for registration in the registrar of The Canadian Kennel Club;
 - h) “POUND KEEPER” shall mean any premises designated by the Corporation for the purpose of impounding and caring for animals taken up by the agents of the municipality;
 - i) “RUNNING AT LARGE” shall mean a dog which is not on a leash and is found in any place other than the premises of the dog;

- j) "MUZZLE" shall mean to place a humane fastening or covering device over the mouth of a dog that is of adequate strength to prevent it from biting, and "muzzled" has corresponding meanings; and
- k) "VICIOUS DOG" shall mean a dog that has bitten or attempted to bite a person or other animal, attacked a person or other animal, or that has demonstrated a propensity, tendency or disposition to do so.

(As Amended by By-law 2022-86 passed September 6, 2022)

- l) "Livestock Guardian Dog" shall mean Great Pyrenees, Akbash, Kuvasz, Maremma and Anatolian Shepherd and crosses between these breeds that exclusively work and/or live with domestic farm animals to protect them by repelling predators. It being understood that a Livestock Guardian Dog must work/live on a property that is zoned appropriately for agricultural use or a hobby farm and is engaged in a normal farm practice to benefit from the specific exemptions outlined in this By-law.
- m) "Herding Dog" shall mean Border Collies, Australian Shepherds, Blue & Red Heelers and Huntaways that have been trained and are actively being used to control livestock on a farm. It being understood that a Herding Dog must work/live on a property that is zoned appropriately for agricultural use or a hobby farm and is engaged in a normal farm practice to benefit from the specific exemptions outlined in this By-law.

(As Amended by By-law 2022-94 passed October 11, 2022)

DOG LICENSING

- 3. a) The owner of any dog shall between the first day of January in each year and the first day in March in each year or such dog shall attain the age of two (2) months, cause the same to be registered, numbered, described and licensed in the office of the Treasurer of the Township Office in the municipality or at such other places as Township Council may from time to time designate. The deadline for registration of a dog shall be designated by Council or the date upon which the dog attains the age of two months, whichever is later.

(As Amended by By-law 2023-11 passed February 7, 2023)

- b) Each Owner, upon registration of a dog and application for a dog license, shall be furnished with a tag, the price of which is incorporated in the license fee hereinafter provided, with the registered number of each such dog, and shall pay for such license and registration.
- c) A license fee as approved by resolution of Township Council from time to time shall be paid regardless of the number of dogs owned. On payment of the license fee for each dog, the owner shall be furnished with a dog tag which shall be kept securely fixed on the dog at all times until the tag is renewed or replaced.
- d) Each tag shall bear a serial number and the year in which it was issued. A record shall be kept by the Municipality for the purpose of showing the name and address of the owner, complete description of the dog and the serial number of the tag.
- e) The owner of a kennel shall pay an annual license fee as approved by resolution of Township Council from time to time to the Treasurer of the municipality as a License fee for all dogs either bred or boarded at the kennel during the year.

f) The owner of a kennel shall renew the kennel license by the first day in March of each year. All kennel licenses shall expire on the 31st day of December in the next year.

(As Amended by By-law 2023-11 passed February 7, 2023)

DOGS THAT ARE A PUBLIC NUISANCE AND/OR RUNNING AT LARGE

4. a) No person(s) shall permit a dog to become a public nuisance.
- b) A dog shall be considered a public nuisance if:
1. The dog persistently barks or howls and interferes with the normal enjoyment of another person's property; or
 2. The dog causes damage to public or private property, including injury to livestock and poultry; or
 3. The dog interferes with or dumps or scatters garbage; or
 4. The dog persistently barks at or chases person(s) using public or private property; or
 5. The dog swims at a public beach; or
 6. The dog is in a public park and is not on a leash.
- c) The owner of a dog shall keep the dog leashed and under the control of some person when the dog is on land in the municipality other than the land owned by the owner of the dog, unless prior consent is given by the person owning the land on which the dog is found.
- d) No owner shall allow the dog to defecate on any property, other than the property owned by the owner of the dog, or other property by permission of the owner of the land on which the dog is found, unless the droppings are forthwith cleaned up.
- e) No owner shall allow a dog to run at large in the Township of South Frontenac and any dogs running at large shall be liable to be seized, impounded and disposed of as hereinafter provided.
- f) Where an Animal Control Officer is unable to seize a dog that is running at large contrary to the provisions of this By-law, he/she may destroy the dog at his/her discretion.
- g) Where an Animal Control Officer finds a dog running at large contrary to the provisions of this By-law, and he/she believes that before the dog can be seized, it may attack a human being, he/she may tranquilize or humanely destroy the dog.
- h) A dog which is found, with or without a tag, running at large may be seized and impounded by the Animal Control Officer of the municipality. If called for within five (5) clear days from the time of being seized and impounded, the dog shall be released to the owner upon payment of compensation for each day in which the dog has been impounded, such sum to be paid to the pound keeper. Compensation is also to be paid to the Township, as established by resolution of Township Council from time to time.
- i) Any dog seized and impounded and not called for by the owner thereof within five (5) clear days from the time of such seizer and impounding, may be disposed of the manner hereinafter provided or sold by the pound keeper. The Township of South Frontenac will not undertake to provide

Veterinarian services for injured dogs during this five (5) day waiting period.

- j) Any dog so sold shall be properly licensed and registered to the new owner and accompanied by the bill of sale and receipt for payment of same which shall vest title of any such dog in the new owner.
- k) Any dog seized and impounded for running at large and not redeemed by the owner thereof, as hereinbefore provided, or not sold by the pound keeper after the expiration of seven (7) day, exclusive of Saturdays, Sundays and Holidays, shall be destroyed in a humane manner.
- l) Where a dog seized and impounded bears a tag issued by the municipality, the Animal Control Officer shall search the register kept for that purpose and notify the registered owner thereof within a reasonable time and cite the section or sections of this by-law which have been violated and shall indicate the location of the dog pound.
- m) Notwithstanding Section 4 (j) and (1) of this by-law, to the contrary, any dog bearing a tag issued by the Township of South Frontenac when seized and impounded shall not be destroyed or sold until the expiration of 72 hours after the owner has been notified as hereinbefore provided.
- n) A statement of the purchasers of dog tag licenses, bearing the names and addresses and description of dogs licensed shall be forwarded to the Animal Control Officer on a regular schedule by the Municipality.
- o) No dog seized or impounded shall be released to the owner or sold to any person unless or until it is properly licensed and registered, the license fee paid and a tag securely fixed on the dog, plus fines and pound fees paid.
- p) No owner, possessor or harbourer of a Vicious Dog shall permit the Vicious Dog to be on any streets or in any public place or any other place that is not owned or controlled by that person unless the dog is muzzled to prevent it from biting another animal or human.
- q) Every owner, possessor or harbourer of a Vicious Dog shall, at all times while the Vicious Dog is on the premises owned or controlled by such person, keep the dog securely confined either indoors or in an enclosed pen or other structure capable of preventing the entry of any children and adequately constructed to prevent the dog from escaping.
- r) Every owner, possessor or harbourer of a Vicious Dog must notify the Clerk of the Township of South Frontenac within forty-eight hours after the ownership of the dog is transferred to another person or municipality, any changes to the residency of the dog or should the dog be destroyed or dies of natural causes.

(As Amended by By-law 2022-86 passed September 6, 2022)

OFF LEASH PARK

- 5 a) Notwithstanding Section 4, an owner may permit their dog to be off leash within the fenced area set aside as an off leash dog park, within Centennial Park, Harrowsmith subject to the following rules:
- i. Dogs must be leashed before entering and prior to leaving the park and owners must carry a leash at all times
 - ii. Owners are legally responsible for their dogs and any injuries caused by them
 - iii. Dogs must be properly licensed, have current rabies vaccine and healthy to use the park,
 - iv. Animals must wear a collar and ID tags at all times
 - v. Owners must clean up after their dogs
 - vi. Dogs showing aggression towards people or other animals must be removed from the park
 - vii. Owners must not leave their dogs unattended or allowed out of sight
 - viii. No more than two dogs may be brought into the off leash area by an individual at the same time
 - ix. Choke, spike chain or pinch collars are not allowed in off leash area
 - x. Any dog that resembles a breed that falls under the Breed Specific Legislation (BSL) in Ontario must be muzzled
 - xi. Children under the age of 12 are not permitted in the park unless actively supervised by a parent
 - xii. This park is a smoke free area
 - xiii. No food (human variety), glass, sharp objects or weapons are permitted inside the park
 - xiv. Dog owners and handlers are subject to the Ontario Dog Owners Liability Act and the Township of South Frontenac Animal Control Bylaw 2001-66. Violators will be subject to removal from the park and suspension of park privileges

ENFORCEMENT

6. a) The Animal Control Officer shall enforce this By-law and arrange for a suitable place as a pound and keep records of all calls, dogs seized and impounded.
- b) The Animal Control officer is hereby authorized, in the course of his/her duties or seizing and impounding dogs running at large contrary to this By-law, to use such reasonable means at his/her disposal to seize and impound such dog as may be required by the circumstances.
- c) An Animal Control Officer may issue an Order to Muzzle to an owner whose dog is alleged to have bitten or attacked a person or animal, or that has demonstrated a propensity, tendency or disposition to do so, requiring the owner to muzzle the dog. Upon issuance of an Order to Muzzle the dog is deemed a vicious dog as per the By-law.
- d) An owner may appeal an Order to Muzzle his or her dog to the Director, Corporate Services but an appeal shall not act as a stay of the muzzling order. On an appeal under this Sub-section, the Director, Corporate Services shall hear the evidence and submissions of the owner and all relevant witnesses as determined in the sole discretion of the Director, and may uphold, modify or revoke the Order to Muzzle.
- e) Where a proceeding has been commenced by the Township under the *Dog Owner's Liability Act* against an owner whose dog is alleged to have bitten or attacked a person or domestic animal, the owner shall be required to muzzle the dog until a determination of the matter has been made by the court.

- f) Where a dog is declared a Vicious Dog, the animal control officer shall deliver or send by registered mail an Order to Muzzle to the owner of the vicious dog requiring that the dog be muzzled and restrained pursuant to the provisions of this By-law. Such notice that has been served by registered mail shall be deemed to have been received by the person to whom it is addressed on the third day after the day it is mailed.

(As Amended by By-law 2022-86 passed September 6, 2022)

- g) No person shall obstruct or hinder or attempt to obstruct or hinder a Provincial Offences Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this by-law. Without limiting the generality of the foregoing, for purposes of this By-law, any person who fails to provide proof of identification satisfactory to the Provincial Offences Officer when requested to do so by the Provincial Offences Officer is deemed to obstruct an Officer under this By-Law.

(As Amended by By-law 2023-11 passed February 7, 2023)

PENALTIES

- 7.
 - a) Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine of not more than (\$5,000.00) Five Thousand Dollars, exclusive of costs, and every such fine is recoverable pursuant to the Provincial Offences Act.
 - b) Upon registering a conviction for a contravention of any provision of this By-law, The Ontario Court, Provincial Division, may in addition to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.
 - c) Every Person who contravenes any provision of this By-Law shall, upon issuance of a Penalty Notice in accordance with the By-Law to Impose Administrative Monetary Penalties On Violations Of Municipal By-Laws 2022-70, be liable to pay to the Township an Administrative Monetary Penalty in accordance with By-Law Number 2022-70.”; and

(As Amended by By-law 2023-11 passed February 7, 2023)

VALIDITY

- 8.
 - a) If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

REPEALS

- 9. Any previous dog control by-law is hereby repealed.

EFFECTIVE DATE

- 10. This by-law shall come into effect on the date of passing thereof.

LIVESTOCK GUARDIAN DOG/ HERDING DOG EXEMPTIONS

11. a) The owner of a Livestock Guardian Dog or Herding Dog that is engaged in a normal farm practice on a property zoned for agricultural use or a hobby farm shall be exempt from licensing fee as described in Section 3.b. and 3.c. of the By-law. It being understood that all other provisions in the By-law related to licensing continue to apply to Livestock Guardian Dogs or Herding Dogs.
- b) The owner of a Livestock Guardian Dog or Herding Dog that is engaged in a normal farm practice on a property zoned for agricultural use or a hobby farm shall be exempt from Section 4.b.1. of the By-law regarding nuisance barking or howling.

(As Amended by By-law 2022-94 passed October 11, 2022)

READ A FIRST AND SECOND TIME THIS 4 DAY OF SEPTEMBER 2018

READ A THIRD AND FINAL TIME THIS 4 DAY OF SEPTEMBER 2018.

Ron Vandewal, Mayor

Wayne Orr, Chief Administrative Officer

Amendments

1. By-law 2001-66 was amended by By-law 2022-86 following receiving three readings by Council on September 6, 2022.
2. By-law 2001-66 was amended by By-law 2022-94 following receiving three readings by Council on October 11, 2022.
3. By-law 2001-66 was amended by By-law 2023-11 following receiving three readings by Council on February 7, 2023.